

RETURN DATE: DECEMBER 1, 2020

**STATE OF CONNECTICUT,
COMMISSIONER OF LABOR,
KURT WESTBY**

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SUPERIOR COURT

JUDICIAL DISTRICT OF HARTFORD

V.

**FASHION PLATE INC. /
BALDANZA ON ELM, LLC, ET AL.**

:

OCTOBER 29, 2020

COMPLAINT

COUNT I AS AGAINST FASHION PLATE INC./BALDANZA ON ELM, LLC

1. The plaintiff in this action is Kurt Westby, Commissioner of the State of Connecticut Department of Labor, acting pursuant to his statutory authority under Conn. Gen. Stat. §§ 31-68 and 31-72, wherein he is authorized to collect any and all unpaid wages.

2. The defendant Fashion Plate Inc./Baldanza on Elm, LLC was an employer in Connecticut during the relevant time period alleged, within the meaning of Conn. Gen. Stat. § 31-71a(1).

3. Fashion Plate Inc./Baldanza on Elm employed restaurant workers from February 28, 2016, through September 17, 2017.

4. A complaint was filed with the plaintiff in 2017, seeking assistance in obtaining payment from Fashion Plate Inc./Baldanza on Elm for unpaid wages from 2016 to 2017.

5. Fashion Plate Inc./Baldanza on Elm was required to pay minimum wage and overtime wages to its employees pursuant to Conn. Gen. Stat. §§ 31-60 and 31-76c.

6. Upon investigation of said complaint, the plaintiff has determined that Fashion Plate Inc./Baldanza on Elm owes wages to employees in the total amount of \$72,107.72 from February 28, 2016, to September 17, 2017.

7. Despite demand, Fashion Plate Inc./Baldanza on Elm has failed, neglected and/or refused to tender payment.

8. Fashion Plate Inc./Baldanza on Elm's failure to pay said sum of \$72,107.72 was arbitrary, unreasonable and in bad faith.

9. The sum of \$72,107.72 remains due and outstanding from Fashion Plate Inc./Baldanza on Elm to the plaintiff.

10. By authority of Conn. Gen. Stat. §§ 31-68 and 31-72, the plaintiff seeks to collect double damages, i. e., $\$72,107.72 \times 2 = \$144,215.44$, together with reasonable attorney's fees, costs and interest from the date the payments should have been received from Fashion Plate Inc./Baldanza on Elm.

COUNT II AS AGAINST FASHION PLATE INC./BALDANZA ON ELM, LLC

1. The plaintiff in this action is Kurt Westby, Commissioner of the State of Connecticut Department of Labor, acting pursuant to his statutory authority under Conn. Gen. Stat. § 31-69a, wherein he is authorized to collect civil penalties for violations of Chapter 558 of the state wage statutes.

2. The defendant Fashion Plate Inc./Baldanza on Elm, LLC was an employer in Connecticut during the relevant time period alleged, within the meaning of Conn. Gen. Stat. § 31-71a(1).

3. On or about October 24, 2017, Fashion Plate Inc./Baldanza on Elm was assessed a civil penalty by the plaintiff in the amount of \$26,100.00, representing sixteen (16) violations of Conn. Gen. Stat. § 31-60, seven (7) violations of Conn. Gen. Stat. § 31-66, thirty-nine (39) violations of Conn. Gen. Stat. § 31-71b, twenty-one (21) violations of Conn. Gen. Stat. § 31-76c, and four (4) violations of Conn. Gen. Stat. § 31-288.

4. Said penalty remains due and outstanding from Fashion Plate Inc./Baldanza on Elm to plaintiff.

COUNT III AS AGAINST FASHION PLATE INC./BALDANZA ON ELM

1.-7. Paragraphs 1 through 7 of Count 1 are hereby incorporated as Paragraphs 1 through 7 of Count III as if set forth herein in full.

8. The defendant Samuel Baldanza was the owner of Fashion Plate Inc./Baldanza on Elm and was the employer of the restaurant employees and was specifically responsible for, and specifically the cause for, the withholding of and the failure and refusal to pay wages owed to the employees.

9. Said complaints were investigated by the Labor Department, which found that the defendant Samuel Baldanza failed to pay wages to the employees in the amount of \$72,107.72.

10. Despite demand, Samuel Baldanza has failed, neglected and refused to tender payment.

11. By authority of Conn. Gen. Stat. §§ 31-68 and 31-72, the plaintiff seeks to collect double damages, i. e., $\$72,107.72 \times 2 = \$144,215.44$, together with reasonable attorney's fees, costs and interest from the date the payments should have been received from Samuel Baldanza, an employer of and a person in charge of the employees.

WHEREFORE, the plaintiff claims as against Fashion Plate Inc./Baldanza on Elm and Samuel Baldanza:

- a. Money damages of more than \$2,500.00;
- b. Attorney's fees, costs and interest pursuant to Conn. Gen. Stat. §§ 31-68 and 31-72;
- c. Civil penalties of \$26,100.00; and
- d. Any further equitable relief the Court deems appropriate.

Notice is hereby given to the defendants that the plaintiff intends to seek satisfaction of any judgment rendered in his favor in this action from any debt accruing to the said defendants by reason of their personal services.

The sovereign State of Connecticut is not responsible for costs.

Hereof fail not, but of this Writ with your doings thereon endorsed make due return according to law.

Dated at Hartford, Connecticut this 27th day of October, 2020.

PLAINTIFF

WILLIAM TONG
ATTORNEY GENERAL

Philip M. Schulz
Assistant Attorney General

BY: Richard T. Sponzo

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AMOUNT IN DEMAND

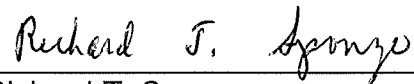
The amount, legal interest or property in demand is greater than TWO THOUSAND
FIVE HUNDRED (\$2,500.00) DOLLARS, exclusive of interest and costs.

PLAINTIFF

WILLIAM TONG
ATTORNEY GENERAL

Philip M. Schulz
Assistant Attorney General

BY:



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